United Nations S/2011/125

Security Council

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Letter dated 11 March 2011 from the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 11 of Security Council resolution 1916 (2010), I have the honour to transmit herewith the report of the United Nations Resident and Humanitarian Coordinator for Somalia on the implementation of paragraphs 4 and 5 of the latter resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) H. S. **Puri**
Chairman
Security Council Committee pursuant to
resolutions 751 (1992) and 1907 (2009)
concerning Somalia and Eritrea

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Annex

Letter dated 8 March 2011 from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator addressed to the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 11 of Security Council resolution 1916 (2010), I have the honour to transmit the report of the United Nations Resident and Humanitarian Coordinator for Somalia (see enclosure).

The humanitarian community working in Somalia wishes to advise that, as with the previous two reports, it maintains the definition of "implementing partner" as it was defined in the first report of the Resident and Humanitarian Coordinator pursuant to paragraph 5 of Security Council resolution 1916 (2010), which is as follows:

> "Implementing partner", a non-governmental organization or community-based organization that has undergone due diligence to establish its bona fides by a United Nations agency or another non-governmental organization, and that reports when requested to the Resident and Humanitarian Coordinator for Somalia on mitigation measures. Implementing partners have the following characteristics:
>
> (a) The organization is part of the consolidated appeals process for Somalia (or the Common Humanitarian Fund process);
>
> (b) The organization is represented in a cluster's 3W matrix (*Who does What and Where*).

I would appreciate it if the present letter, together with its attachment, could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Valerie **Amos**
Under-Secretary-General for Humanitarian Affairs
and Emergency Relief Coordinator

Enclosure

Report of the United Nations Resident and Humanitarian Coordinator for Somalia

I. Introduction

1. The present report is the third submission pursuant to Security Council resolution 1916 (2010). In paragraph 11 of that resolution, the Council requested the Resident and Humanitarian Coordinator for Somalia to report to the Security Council every 120 days on the implementation of paragraphs 4 and 5 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia, and requested United Nations agencies and organizations having observer status with the General Assembly that provide humanitarian assistance to support the Coordinator in this regard.

2. The present, third report of the Coordinator covers the period from November 2010 to March 2011. It focuses primarily on the regions of Somalia under the control of Al Shabaab, which was listed, pursuant to paragraph 8 of Security Council resolution 1844 (2008), by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, on 12 April 2010.

3. As with the previous two reports (S/2010/372 and S/2010/580), the present report outlines the constraints to humanitarian access and the operational implications, as well as the mitigation measures that have been put in place to address politicization, misuse and misappropriation.

4. During the reporting period, sporadic fighting for control of the territory continued in central and southern Somalia, with the most clashes taking place in Mogadishu. In mid-December, drought began in most parts of Somalia. The drought affects children particularly severely. More than 400 schools (nearly 55,000 pupils) countrywide have closed because families are being forced to move as water sources dry up. At the same time, non-State armed actors continued to impose conditions on the humanitarian organizations operating in drought-affected regions.

5. The volatile situation in Somalia continues to make the delivery of humanitarian assistance and services challenging, but it is still possible. To varying degrees, all regions of Somalia require humanitarian assistance; however, central and southern Somalia remain the epicentre of the humanitarian crisis and are the most severely affected by the current drought.

6. In concert with operational agencies, and given the current context, the Coordinator continues to work towards realistic goals to monitor the delivery of assistance which are grounded in the principle of due diligence and reflect a context-based standard that can reasonably be met.

II. Constraints on humanitarian access and their operational implications

7. During the reporting period, Somalia continued to experience a protracted and complex emergency. Armed violence between the Transitional Federal Government,

the African Union Mission in Somalia (AMISOM), and Al Shabaab continued. In the last four months, the three main hospitals in Mogadishu admitted over 1,500 weapons-related casualties. The number of deaths is unknown. Approximately 93,000 people were internally displaced in Somalia during the reporting period, with the majority of those displacements, approximately 21,800 people, occurring in Mogadishu because of the violence. It is worth noting that these figures increased significantly over the last few weeks of the reporting period, owing to intense and prolonged fighting between the warring factions.

8. From 2010 to 2011, the number of people in need of humanitarian assistance or livelihood support increased by 20 per cent, from 2 million to 2.4 million. This represents 32 per cent of the total Somali population. The increase is due in part to food insecurity caused by poor rains, civil insecurity and continued displacement.

9. Somalia remains a food-insecure and food-deficit country, with one of the highest malnutrition rates in the world. During the reporting period, a steep increase, from 15 to 20 per cent, was noted in acute childhood malnutrition. Approximately 75 per cent of those affected, or 241,000 children, reside in the southern parts of Somalia. There are also concerns over the deterioration of the nutritional status of the population of internally displaced persons along the Afgooye Corridor, where approximately 409,000 internally displaced persons reside.

10. During the reporting period, humanitarian operations continued but were heavily affected by the conduct of all parties to the conflict. In addition to sporadic clan clashes throughout southern and central Somalia, fighting in Mogadishu continued. In December 2010, following the absorption of Hisbul Islam, Al Shabaab became the dominant armed non-State actor. There was also an increase in conflict between pro-Transitional Federal Government forces and armed non-State actors along the Kenya-Somalia border area, causing additional displacement into Kenya and Ethiopia. As a result, the ability of humanitarian actors to reach populations in need in a timely manner was uneven and fluctuated constantly.

11. Non-State armed actors were responsible for a number of incidents against humanitarian staff, assets and facilities. In December 2010 and January 2011 alone, 14 security incidents affected humanitarian organizations, of which 7 occurred in southern Somalia. Such incidents inevitably resulted in delays in the delivery of much-needed humanitarian assistance. In addition, on at least six occasions, non-State armed actors attempted to demand that the United Nations or non-governmental organizations register and pay taxes. Those demands, often initiated by Al Shabaab, severely hampered the operation of humanitarian organizations in regions under its control.

12. Despite these difficulties, the ability to provide assistance, as well as retain a rapid response capacity, in situations of acute humanitarian need was maintained. An average of 250 international United Nations and non-governmental organizations staff are in Somalia at any given time, and over 700 United Nations national staff are permanently based in Somalia. While data for staff of national non-governmental organizations is not available, given the large number of such organizations operating, the number of staff would exceed that of United Nations staff. While the bulk of the international United Nations staff remain in the north, approximately 30 per cent are based in central and southern Somalia.

13. In this very difficult environment, humanitarian programming continues. The following are some examples of humanitarian deliveries during the reporting period. A monthly average of over 33,000 metric tons of mixed food commodities was delivered to approximately 800,000 beneficiaries through various programmes. Sixty per cent of the beneficiaries were from central and southern Somalia. For the month of February alone, in central and southern Somalia, water activities benefited more than 20,000 households (approximately 120,000 people) while 30 shallow wells were completed and 158 others were chlorinated. Nutrition and health clusters scaled up their interventions through increased out-patient therapeutic and supplementary feeding programmes and activities, such as distribution of essential medicines, oral re-hydration salts, and ready-to-use supplementary and therapeutic food benefiting 33,000 children.

III. Risk mitigation measures

14. The Security Council, in its resolution 1916 (2010), called on Member States and the United Nations to take all feasible steps to mitigate the politicization, misuse and misappropriation of humanitarian assistance by armed groups and requested the Coordinator to report every 120 days on such implementation measures. The Coordinator has surveyed organizations on the mitigation measures that the humanitarian community currently employs.

15. The Inter-Agency Standing Committee for Somalia has initiated an inter-agency evaluation of the collective humanitarian response, excluding programmes related to food assistance, in central and southern Somalia between 2005 and 2009. The evaluation team will commence its work in mid-March 2011. Independent auditors were used to audit 79 projects worth over $11.6 million, funded by the humanitarian response fund, in 2009 and 2010. Instances of misuse or misappropriation or politicization were not found. Of the 41 projects reviewed to date, the auditors did not detect serious financial mismanagement. The auditors noted some issues with financial and management control, as well as non-compliance with project agreements and reporting requirements. All organizations whose projects had been audited participated in follow-up financial management training held in January 2011, which was well attended. The audit findings provide important lessons learned for the management of the common humanitarian fund that was established last year.

16. Risk management activities have been actively supported by a number of donors. A risk management training programme has been prepared, and a number of training sessions have taken place, which included the provision of tools to enable the United Nations country team staff to better identify, assess and manage risk throughout Somalia. During the reporting period, risk management training sessions were delivered to more than 150 national and international staff from 19 United Nations organizations. AMISOM personnel, as well as non-governmental organizations, were also trained in Nairobi, Hargeysa, Bossaso, Garowe, Gaalkacyo, and Mogadishu. Additional training is scheduled for April and June 2011.

17. The contractor information management system, which is designed to reduce risk associated with contracting and to improve due diligence procedures throughout Somalia, was completed. The process of populating the database with all the necessary contracting information has started. A total of 23 United Nations

organizations agreed to a three-month schedule to complete the full population of this system-wide database for the United Nations in Somalia.

18. Risk management systems are being developed for the nine humanitarian clusters for Somalia in order to achieve consistency of approach and improved information sharing in due diligence procedures and risk management in monitoring for common humanitarian fund grantees. In addition to the risk management regime, the humanitarian community continues to use various strategies to mitigate the potential politicization, misuse or misappropriation of humanitarian aid or funds by non-State armed actors.

19. The survey undertaken by the Coordinator and referred to in paragraph 14 above revealed two occasions of politicization involving attempted demands to pay tax. In one instance, it resulted in the project being terminated; while in the other, community pressure resulted in the request being withdrawn and the humanitarian activity proceeded without conditions. An organization reported that an internal investigation revealed misappropriation, which resulted in two disciplinary actions being taken. Another organization reported an instance of misuse, which remains under investigation.

20. In an effort to mitigate any future misuse, organizations continue to improve their monitoring and evaluation systems, such as using telephone hotlines for beneficiaries, post distribution monitoring systems and external evaluators and requiring verifiable global positioning system (GPS) data. Continued close programmatic engagement with host communities mitigated the risk of engaging questionable partners or contractors and enhanced the acceptance of ownership of programmatic humanitarian interventions.

21. Organizations reported that a variety of other mitigation measures were in place to prevent misappropriation. These included strengthened standard operating procedures, improved reporting requirements, tools, and checklists, stricter controls on contracting procedures, enhanced assessment of implementing partners and improved internal controls and financial management systems.

22. The survey findings revealed that most organizations continue to screen their staff, and especially implementing partners and contractors, against United Nations sanctions lists, and, to a lesser degree, against Member States' sanction lists.

23. Organizations remain keenly aware of the dangers of politicization, misuse and misappropriation and, therefore, remain alive to initiatives that allow for the refining of mitigation measures. Humanitarian organizations stated that key to effective mitigation measures is stronger direct staff presence on the ground and strengthened engagement with the beneficiary communities. The humanitarian community working in Somalia continues to work towards ensuring that humanitarian programmes have the necessary impact on the lives of the affected populations.

IV. The impact of resolution 1916 (2010)

24. Nearly one year after the adoption of Security Council resolution 1916 (2010), views on the impact of the resolution on donor funding remain divided. Some donors suggested that the resolution had enabled them to continue to fund humanitarian operations in Somalia, and particularly in central and southern

Somalia. Some donors stated that they believed that the reporting requirement of the resolution had resulted in an improved understanding of various actors concerning humanitarian operations and challenges in Somalia, as well as increased trust and credibility in the humanitarian community and its work. Other donors stated that the resolution had had no impact on their funding levels. There was, however, consensus that the current 120-day reporting cycle was too frequent.

25. The view that the resolution may have had a positive impact on funding is borne out by the considerable support provided by the donor community in the second standard allocation of the common humanitarian fund, which will take place in March 2011. Roughly $57 million has been committed and pledged, and of this, a significant amount (66 per cent) is earmarked for central and southern Somalia.

26. The survey findings revealed that most organizations did not consider the resolution to have a significant impact on their humanitarian operations; however, two organizations stated that, in their opinion, the resolution negatively impacted their humanitarian operations. Organizations continue to suggest that Member States' domestic legislation, and related conditions imposed in funding agreements that inhibit engagement with non-State armed groups considered to be terrorist organizations, are a far greater impediment to funding than any concerns that might have arisen because of Security Council resolution 1916 (2010).

27. It is recognized that Security Council resolution 1916 (2010) was designed to assist the humanitarian community in undertaking its work. In discussions, several members of the humanitarian community raised concerns that the reporting requirement created in resolution 1916 (2010), undertaken pursuant to a sanctions regime targeting one side of the conflict, undermines the perception of neutrality and independence of humanitarian agencies in Somalia. The ability of humanitarian agencies to increase and maintain the confidence of all parties to conflict and local communities in the neutrality and independence of humanitarian actors and the impartiality of assistance, is essential to their security and, therefore, their access to all populations affected by the ongoing armed conflict.

V. Conclusion

28. The majority of Somalia's population remains in need of some form of humanitarian assistance. Most of those requiring assistance reside in areas under the control of non-State armed actors listed under Security Council resolutions. Risks associated with delivering humanitarian assistance remain high. Risk management and mitigation measures have improved dramatically over the course of the last year. As a result, there is greater confidence that humanitarian assistance is reaching the intended beneficiaries. The current risk management regime, through its consistent and comprehensive approach, is able to address instances of politicization, misuse and misappropriation in Somalia.

29. Security Council resolution 1916 (2010) picked up on the recommendation by the Monitoring Group for a stronger risk management regime to be in place in Somalia. Given the advances made in that respect, the Coordinator recommends the use of alternative mechanisms to brief the Security Council on the issues addressed in the resolution. Should the reporting requirement be maintained in the forthcoming resolution, the recommendation would be to report on an annual basis.

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11 March 2011

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Letter dated 10 March 2011 from the Secretary-General to the President of the Security Council

I am writing to you regarding the situation in the Libyan Arab Jamahiriya and my decision to appoint a Special Envoy to that country.

Over the past weeks, the situation in the Libyan Arab Jamahiriya has seriously deteriorated. In particular, the disproportionate use of force by the Libyan authorities has forced hundreds of thousands of residents and migrant workers to flee to neighbouring countries, and a large number of people have been killed and wounded.

I have the honour to inform you that I have decided to appoint Abdel-Elah Mohamed Al-Khatib, former Minister for Foreign Affairs of Jordan, to serve as my Special Envoy.

The Special Envoy will be the Secretary-General's high-level representative on the Libyan crisis and will provide overall leadership and oversee the coordination of the United Nations system in this regard. He will work closely with Governments in the region and with the international community.

Mr. Al-Khatib will offer my good offices, consult broadly with the Libyan authorities, neighbouring States, regional organizations and other stakeholders, and explore with them how best to resolve the current crisis in the Libyan Arab Jamahiriya.

In undertaking these tasks, the Special Envoy will be guided, inter alia, by the provisions of Security Council resolution 1970 (2011) which aim at ending the ongoing violence, ensuring accountability and facilitating humanitarian assistance.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Security Council

Distr.: General
11 March 2011

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Letter dated 11 March 2011 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 10 March 2011 (S/2011/126) concerning your decision to appoint Abdel-Elah Mohamed Al-Khatib, former Minister for Foreign Affairs of Jordan, as your Special Envoy to the Libyan Arab Jamahiriya has been brought to the attention of the members of the Security Council. They take note of the decision contained in that letter.

(*Signed*) Li Baodong
President of the Security Council

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